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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Case No. VN-2005-1521

JOANN E. SILL AKA JOANN E.  
WEATHERFORD, AKA JOANN E.  
LANZAROTTO

3903 Conrad Drive, Apt. 31  
Spring Valley, CA 91977

Vocational Nurse License No.  
VN 168134

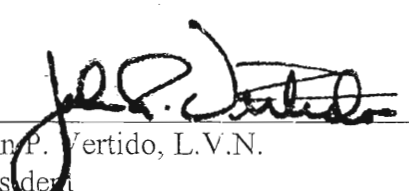
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on July 2, 2008.

IT IS SO ORDERED this 2<sup>nd</sup> day of June, 2008.

  
\_\_\_\_\_  
John P. Vertido, L.V.N.  
President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2323  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**  
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JOANN E. SILL, AKA JOANN E.**  
14 **WEATHERFORD, AKA JOANN E.**  
**LANZAROTTO**

15 3903 Conrad Drive, Apt. 31  
16 Spring Valley, CA 91977

17 Vocational Nurse License No. VN 168134

18 Respondent.

Case No. VN-2005-1521

OAH No. L2007120391

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant), is the Executive  
23 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action  
24 solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney  
25 General of the State of California, by T. Michelle Laird, Deputy Attorney General.

26 2. Respondent, Joann E. Sill, aka Joann E. Weatherford, aka Joann E.  
27 Lanzarotto (Respondent), is representing herself in this proceeding and has chosen not to  
28 exercise her right to be represented by counsel.

3. On or about July 12, 1994, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 168134 to Respondent. The Vocational Nurse License was delinquent from on or about December 30, 1999 through March 29, 2000, and from on or about November 1, 2003 through February 2, 2006. The Vocational Nurse License is currently in full force and effect and will expire on October 31, 2009, unless renewed.

## JURISDICTION

4. Accusation No. VN-2005-1521 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 11, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. VN-2005-1521 is attached hereto as Exhibit A and is incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. VN-2005-1521. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. VN-2005-1521.

4 9. Respondent agrees that her Vocational Nurse License is subject to  
5 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
6 Disciplinary Order below.

7 **CONTINGENCY**

8 10. This stipulation shall be subject to approval by the Board of Vocational  
9 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for  
10 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may  
11 communicate directly with the Board regarding this stipulation and settlement, without notice to  
12 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
13 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
14 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
15 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
16 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
17 shall not be disqualified from further action by having considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated  
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the Board may, without further notice or formal proceeding, issue and enter the  
23 following Disciplinary Order:

24 **DISCIPLINARY ORDER**

25 IT IS HEREBY ORDERED that Vocational Nurse License No. VN 168134,  
26 issued to Respondent Joann E. Sill, is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for three (3) years on the following terms and conditions.

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1           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws,  
2 including all statutes and regulations governing the license. Respondent shall submit, in writing,  
3 a full and detailed account of any and all violations of the law to the Board within five (5) days of  
4 occurrence. To ensure compliance with this term, Respondent shall submit two (2) completed  
5 fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30)  
6 days of the effective date of the decision, unless the Board determines that fingerprint cards were  
7 already submitted by Respondent as part of her license application process effective July 1, 1996.  
8 Respondent shall also submit a recent 2" x 2" photograph of herself within thirty (30) days of the  
9 effective date of the decision.

10           2.       **Compliance With Probation Program And Quarterly Report**  
11 **Requirements.** Respondent shall fully comply with terms and conditions of the probation  
12 established by the Board and shall cooperate with the representatives of the Board in its  
13 monitoring and investigation of the Respondent's compliance with the Probation Program.

14                 Respondent shall submit quarterly reports, under penalty of perjury, in a form  
15 required by the Board. The reports shall certify and document compliance with all the conditions  
16 of probation.

17           3.       **Notification of Address And Telephone Number Change(s).**  
18 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or  
19 mailing address, of her new address and any change in her work and/or home telephone numbers.

20           4.       **Notification of Residency or Practice Outside of State.** Respondent  
21 shall notify the Board, in writing, within five (5) days, if she leaves California to reside or  
22 practice in another state.

23                 Respondent shall notify the Board, in writing, within five (5) days, upon her return  
24 to California.

25                 The period of probation shall not run during the time Respondent is residing or  
26 practicing outside California.

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1                   5.       **Notification to Employer(s).** When currently employed or applying for  
2 employment in any capacity in any health care profession, Respondent shall notify her employer  
3 of the probationary status of Respondent's license. This notification to the Respondent's current  
4 health care employer shall occur no later than the effective date of the Decision. Respondent  
5 shall notify any prospective health care employer of her probationary status with the Board prior  
6 to accepting such employment. This notification shall be by providing the employer or  
7 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

8                   The Health Care Profession includes, but is not limited to: Licensed Vocational  
9 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency  
10 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary  
11 technical health care positions.

12                  Respondent shall cause each health care employer to submit quarterly reports to  
13 the Board. The reports shall be on a form provided by the Board, shall include a performance  
14 evaluation and such other information as may be required by the Board.

15                  Respondent shall notify the Board, in writing, within five (5) days of any change  
16 in employment status. Respondent shall notify the Board, in writing, if she is terminated from  
17 any nursing or health care related employment with a full explanation of the circumstances  
18 surrounding the termination.

19                  6.       **Interviews/Meetings With Board Representative(s).** Respondent,  
20 during the period of probation, shall appear in person at interviews/meetings as directed by the  
21 Board, or its designated representatives.

22                  7.       **Employment Requirements And Limitations.** During probation,  
23 Respondent shall work in her licensed capacity in the State of California. This practice shall  
24 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

25                  While on probation, Respondent shall not work for a nurses' registry or in any  
26 private duty position, a temporary nurse placement agency, as a faculty member in an accredited  
27 or approved school of nursing, or as an instructor in a Board approved continuing education

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1 course except as approved, in writing, by the Board. Respondent shall work only on a regularly  
2 assigned, identified and predetermined work site(s) and shall not work in a float capacity except  
3 as approved, in writing, by the Board.

4               8.     **Supervision Requirements.** Respondent shall obtain prior approval from  
5 the Board, before commencing any employment, regarding the level of supervision provided to  
6 Respondent while employed as a licensed vocational nurse or psychiatric technician.

7               Respondent shall not function as a charge nurse (i.e., work in any healthcare  
8 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,  
9 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric  
10 technician during the period of probation except as approved, in writing, by the Board.

11              9.     **Completion of Educational Course(s).** Respondent, at her own expense,  
12 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later  
13 than the end of the first year of probation; or Respondent shall be suspended from practice, until  
14 she has enrolled in and has successfully completed the specified coursework.

15              The coursework shall be in addition to that required for license renewal. The  
16 Board shall notify Respondent of the course content and number of contact hours required.  
17 Within thirty (30) days of the Board's written notification of assigned coursework, Respondent  
18 shall submit a written plan to comply with this requirement. The Board shall approve such plan  
19 prior to enrollment in any course of study.

20              Upon successful completion of the course, Respondent shall cause the instructor  
21 to furnish proof to the Board within thirty (30) days of course completion.

22              10.    **Cost Recovery Requirements.** Respondent shall pay to the Board,  
23 pursuant to Business and Professions Code Section 125.3, the costs of investigation and  
24 enforcement in this matter in the amount of \$1,837.00 (one-thousand, eight-hundred and thirty-  
25 seven dollars). Respondent shall be permitted to pay these costs in a payment plan approved by  
26 the Board, with the payments to be completed no later than three months prior to the

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1 end of the probation term. Failure to complete payment of cost recovery within this time frame  
2 shall constitute a violation of probation which may subject Respondent's license to outright  
3 revocation.

4           11.     **Maintenance of Valid License.** Respondent shall, at all times while on  
5 probation, maintain an active current license with the Board, including any period during which  
6 suspension or probation is tolled.

7           Should Respondent's license, by operation of law or otherwise, expire, upon  
8 renewal or reinstatement Respondent's license shall be subject to any and all terms of this  
9 probation not previously satisfied.

10           The Board may conditionally renew or reinstate, for a maximum of one year, the  
11 license of any respondent who demonstrates financial hardship. Respondent shall enter into a  
12 formal agreement with the Board to reimburse any unpaid costs within that one year period.

13           Except as provided above, the Board shall not renew or reinstate the license of any  
14 Respondent who has failed to pay all the costs as directed in a Decision.

15           12.     **Chemical Dependency Support/Recovery Groups.** Within five (5) days  
16 of the effective date of the Decision, Respondent shall begin attendance at a chemical  
17 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support  
18 Group). Verified documentation of attendance shall be submitted by Respondent with each  
19 quarterly report. Respondent shall continue attendance in such a group for the duration of  
20 probation.

21           13.     **Abstain From Controlled Substances.** Respondent shall completely  
22 abstain from the personal use or possession of controlled substances, as defined in the California  
23 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of  
24 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner  
25 for a bona fide illness.

26           14.     **Abstain From Use of Alcohol.** Respondent shall completely abstain from  
27 the use of alcoholic beverages during the period of probation.  
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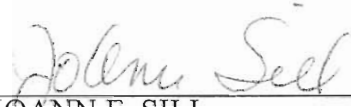
1                   15.     **Submit Biological Fluid Samples.** Respondent shall immediately submit  
2 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There  
3 will be no confidentiality in test results; positive test results will be immediately reported to the  
4 Board and the Respondent's current employer.

5                   16.     **Violation of Probation.** If Respondent violates the conditions of her  
6 probation, the Board, after giving Respondent notice and an opportunity to be heard, may set  
7 aside the stay order and impose the stayed revocation of the Respondent's license. If during the  
8 period of probation, an accusation or petition to revoke has been filed against the Respondent's  
9 license or the Attorney General's Office has been requested to prepare an accusation or petition  
10 to revoke probation against the Respondent's license, the probationary period shall automatically  
11 be extended and shall not expire until the accusation or petition has been acted upon by the  
12 Board. Upon successful completion of probation, the Respondent's license will be fully restored.

13   **ACCEPTANCE**

14                   I have carefully read the Stipulated Settlement and Disciplinary Order. I  
15 understand the stipulation and the effect it will have on my Vocational License. I enter into this  
16 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
17 to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric  
18 Technicians.

19  
20 DATED: 3/15/08

21  
22   
23 JOANN E. SILL  
Respondent

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
3 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of  
4 the Department of Consumer Affairs.

5  
6 DATED: March 21, 08

7 EDMUND G. BROWN JR., Attorney General  
8 of the State of California

9 JAMES M. LEDAKIS  
Supervising Deputy Attorney General

10  
11 T. Michelle Laird  
12 T. MICHELLE LAIRD  
13 Deputy Attorney General

14 Attorneys for Complainant

15 DOJ Matter ID: SD2006802734  
16 80217955.wpd  
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**Exhibit A**

**Accusation No. VN-2005-1521**

**FILED**

OCT 11 2007

**Board of Vocational Nursing  
and Psychiatric Technicians**

EDMUND G. BROWN JR., Attorney General  
of the State of California  
LINDA K. SCHNEIDER,  
Supervising Deputy Attorney General  
T. MICHELLE LAIRD, State Bar No. 162979  
Deputy Attorney General  
California Department of Justice  
110 West "A" Street, Suite 1100  
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Facsimile: (619) 645-2061  
  
Attorneys for Complainant

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-1521

**JOANN E. SILL, aka JOANN E.  
WEATHERFORD, aka JOANN E.  
LANZAROTTO**

**A C C U S A T I O N**

3903 Conrad Drive, Apt. 31  
Spring Valley, CA 91977

Vocational Nurse License No. VN 168134

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational  
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 12, 1994, the Board of Vocational Nursing and  
Psychiatric Technicians issued Vocational Nurse License Number VN 168134 to Joann E. Sill,  
AKA Joann E. Weatherford, AKA Joann E. Lanzarotto (Respondent). The Vocational Nurse

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1 License was delinquent from on or about December 30, 1999 through March 29, 2000 and from  
2 on or about November 1, 2003 through February 2, 2006. The license is currently active and will  
3 expire on October 31, 2007, unless renewed.

#### 4 JURISDICTION

5 3. This Accusation is brought before the Board of Vocational Nursing and  
6 Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the  
7 following laws. All section references are to the Business and Professions Code unless otherwise  
8 indicated.

9 4. Section 2875 of the Business and Professions Code (Code) provides, in  
10 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
11 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
12 Act.

13 5. Section 118(b) of the Code provides, in pertinent part, that the expiration  
14 of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action  
15 during the period within which the license may be renewed, restored, reissued or reinstated.  
16 Under section 2892.1 of the Code, the Board may renew an expired license at any time within  
17 four years after the expiration.

#### 18 STATUTORY AND REGULATORY PROVISIONS

19 6. Section 2878 of the Code states:

20 "The Board may suspend or revoke a license issued under this chapter [the  
21 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23 ". . . .

24 "(b) Procuring a certificate by fraud, misrepresentation, or mistake.

25 ". . . .

26 "(e) Making or giving any false statement or information in connection with the  
27 application for issuance of a license.

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1           “(f) Conviction of a crime substantially related to the qualifications, functions,  
2 and duties of a licensed vocational nurse, in which event the record of the conviction shall be  
3 conclusive evidence of the conviction.”

4           7.       Section 2878.5 of the Code states:

5           “In addition to other acts constituting unprofessional conduct within the meaning  
6 of this chapter [the Vocational Nursing Practice Act], it is unprofessional conduct for a person  
7 licensed under this chapter to do any of the following:

8           “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
9 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
10 administer to another, any controlled substance as defined in Division 10 of the Health and  
11 Safety Code, or any dangerous drug as defined in Section 4022.

12           “ . . . .

13           “(c) Be convicted of a criminal offense involving possession of any narcotic or  
14 dangerous drug, or the prescription, consumption, or self-administration of any of the substances  
15 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
16 conclusive evidence thereof.”

17           8.       Section 2878.6 of the Code states:

18           A plea or verdict of guilty or a conviction following a plea of nolo  
19 contendere made to a charge substantially related to the qualifications, functions  
20 and duties of a licensed vocational nurse is deemed to be a conviction within the  
21 meaning of this article. The board may order the license suspended or revoked, or  
22 may decline to issue a license, when the time for appeal has elapsed, or the  
23 judgment of conviction has been affirmed on appeal or when an order granting  
probation is made suspending the imposition of sentence, irrespective of a  
subsequent order under the provisions of Section 1203.4 of the Penal Code  
allowing such person to withdraw his plea of guilty and to enter a plea of not  
guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
information or indictment.

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1                   9.       Section 493 of the Code states:

2                   Notwithstanding any other provision of law, in a proceeding conducted by  
3                   a board within the department pursuant to law to deny an application for a license  
4                   or to suspend or revoke a license or otherwise take disciplinary action against a  
5                   person who holds a license, upon the ground that the applicant or the licensee has  
6                   been convicted of a crime substantially related to the qualifications, functions, and  
7                   duties of the licensee in question, the record of conviction of the crime shall be  
                    conclusive evidence of the fact that the conviction occurred, but only of that fact,  
                    and the board may inquire into the circumstances surrounding the commission of  
                    the crime in order to fix the degree of discipline or to determine if the conviction  
                    is substantially related to the qualifications, functions, and duties of the licensee in  
                    question.

8                   10.       California Code of Regulations, title 16, section 2521, states:

9                   For the purposes of denial, suspension, or revocation of a license pursuant  
10                  to Division 1.5 (commencing with Section 475) of the Business and Professions  
11                  Code, a crime or act shall be considered to be substantially related to the  
12                  qualifications, functions or duties of a licensed vocational nurse if to a substantial  
13                  degree it evidences present or potential unfitness of a licensed vocational nurse to  
                    perform the functions authorized by his license in a manner consistent with the  
                    public health, safety, or welfare. Such crimes or acts shall include but not be  
                    limited to those involving the following:

14                  (a) Procuring a license by fraud, misrepresentation, or mistake.

15                  11.       California Code of Regulations, title 16, section 2522.5, states:

16                  “(a) When considering the suspension or revocation of a license on the ground  
17                  that a licensed vocational nurse has been convicted of a crime, the Board, in evaluating the  
18                  rehabilitation of such person and his eligibility for a license will consider the following criteria:

19                       “(1) Nature and severity of the act(s) or offense(s).

20                       “(2) Total criminal record.

21                       “(3) The time that has elapsed since commission of the act(s) or offense(s).

22                       “(4) Whether the licensee has complied with any terms of parole, probation,  
23                  restitution, or any other sanctions lawfully imposed against the licensee.

24                       “(5) If applicable, evidence of expungement proceedings pursuant to Section  
25                  1203.4 of the Penal Code.

26                       “(6) Evidence, if any, of rehabilitation submitted by the licensee.”

27                  ///

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1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that the Board may  
3 request the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **DRUGS**

7 13. Methamphetamine is a Schedule II controlled substance pursuant to Health  
8 and Safety Code section 11055(d)(2) and a dangerous drug pursuant to Health and Safety Code  
9 section 4022..

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction for Possession of Methamphetamine on February 20, 2003)**

12 14. Respondent is subject to disciplinary action under section 2878,  
13 subsections (a) and (f), and section 2878.5, subsection (c), in that she was convicted of a crime  
14 that is substantially related to the qualifications, duties and functions of a licensed vocational  
15 nurse, a crime which involved possession of a dangerous drug. The circumstances are that, on or  
16 about February 20, 2003, in the Superior Court of California, County of San Diego, East County  
17 Division, in the matter of *The People v. Joann E. Weatherford*, Case No. C228274B, Respondent  
18 was convicted upon her plea of guilty to a misdemeanor violation of Health and Safety Code  
19 section 11377 (possession of a controlled substance). On February 20, 2003, Respondent was  
20 granted deferred entry of judgment pursuant to Penal Code 1000, et al. However, on or about  
21 March 21, 2003, the grant of deferred entry of judgment was set aside for her failure to  
22 satisfactorily perform in the program. On May 5, 2003, Respondent was sentenced to serve 73  
23 days with 73 days credit for time served, and ordered to pay approximately \$230.00 in fees and  
24 fines.

25 15. The circumstances of the crime are as follows: On or about February 17,  
26 2003, Respondent was traveling in a vehicle with two other persons when that vehicle was pulled  
27 over by police for a traffic violation. During a consensual search of Respondent's backpack,  
28 Officer Webb discovered a loaded hypodermic needle containing approximately 10 cc's of a dark



1 liquid. The contents of the loaded hypodermic syringe presumptively tested positive for  
2 methamphetamine. Respondent was arrested for being in possession of a controlled substance  
3 and a hypodermic syringe. On or about February 20, 2003, Respondent was charged with a  
4 violation of Health and Safety Code section 11377(a) (possession of a controlled substances) and  
5 Health and Safety Code section 11364 (possession of paraphernalia used for narcotics).

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction for Burglary on May 5, 2003)**

8 16. Respondent is subject to disciplinary action under section 2878,  
9 subsections (a) and (f), in that she was convicted of a crime that is substantially related to the  
10 qualifications, duties and functions of a licensed vocational nurse. The circumstances are that on  
11 or about May 5, 2003, in the Superior Court of California, County of San Diego, in the matter of  
12 *The People v. Joann Weatherford*, Case No. SCE229051, Respondent was convicted upon her  
13 plea of guilty to a felony violation of Penal Code section 459 (burglary). Respondent was  
14 ordered to serve 365 days in custody, which was stayed pending successful completion of a  
15 substance abuse program. Respondent was placed on formal probation for 3 years, and she was  
16 ordered to pay fines and restitution totaling approximately \$9,200.00.

17 17. The circumstances of the crime are as follows: On or about March 21,  
18 2003, Respondent was arrested for residential burglary, in violation of Penal Code section 459,  
19 for breaking into her estranged husband's home on March 10, 2003 and again on March 11,  
20 2003. Thereafter, on or about March 25, 2003, Respondent was charged with two felony counts  
21 of Penal Code section 459 (burglary). The criminal complaint also charged Respondent with  
22 being in possession of a controlled substance (methamphetamine) in violation of Health and  
23 Safety Code section 11377(a), and with unauthorized possession of a hypodermic needle or  
24 syringe in violation of Business and Professions Code section 4140, because these items were in  
25 Respondent's possession on or about March 21, 2003, the date of her arrest for the residential  
26 burglary charges. The drug charges were dismissed as part of defendant's plea bargain.  
27 Respondent was on criminal probation at the time of the incidents charged in the criminal  
28 complaint.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Possession of Controlled Substance)**

3 18. Respondent is subject to disciplinary action under section 2878, subsection  
4 (a), and section 2878.5, subsection (a), in that on or about February 17, 2003, Respondent was in  
5 possession of a controlled substance in violation of law. The circumstances are as follows: On or  
6 about February 17, 2003, Respondent was traveling in a vehicle with two other persons when  
7 that vehicle was pulled over by police for a traffic violation. During a consensual search of  
8 Respondent's backpack, Officer Webb discovered a loaded hypodermic needle containing  
9 approximately 10 cc's of a dark liquid. The contents of the syringe presumptively tested positive  
10 for methamphetamine. Respondent was arrested for possession of a controlled substance and for  
11 possession of a hypodermic syringe.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Misrepresentation or Giving False Statement Relating to  
14 Licensure by not Disclosing Conviction for Possession of Controlled Substance)**

15 19. On or about January 27, 2006, Respondent signed, under penalty of  
16 perjury, a license renewal form provided by the Board of Vocational Nursing and Psychiatric  
17 Technicians on which she disclosed that she had been convicted of a crime since her previous  
18 license renewal. Upon request by the Board to provide additional information, Respondent  
19 provided information to the Board regarding the events leading to her arrest and conviction for  
20 burglary in May, 2003. However, Respondent failed to disclose any information regarding her  
21 February, 2003 convictions for possession of methamphetamine and for unauthorized possession  
22 of a hypodermic syringe. Respondent is thus subject to disciplinary action under section 2878,  
23 subsections (a), (b) and (e), because she made a misrepresentation and/or gave a false statement  
24 or information to the Board in connection with licensure.

25 **DISCIPLINARY CONSIDERATIONS**

26 20. To determine the degree of discipline, if any, to be imposed on  
27 Respondent, Complainant alleges that on or about September 28, 2000, in a criminal proceeding  
28 entitled *The People v. Joann E. Weatherford*, Case Number C207034, filed in San Diego County

1 Superior Court, Respondent was convicted upon her plea of guilty to a violation of Vehicle Code  
2 section 23103 (reckless driving), a misdemeanor. Respondent was placed on probation for three  
3 years, and ordered to serve one day in custody and pay fines totaling approximately \$700.00.  
4 The circumstances of the crime are as follows: On or about July 28, 2000, Respondent was  
5 arrested for driving under the influence. On or about August 7, 2000, she was charged with a  
6 violation of Vehicle Code section 23152(a) and 23152(b) (driving under the influence).

7 Respondent also failed to disclose this conviction to the Board on her 2001  
8 Vocational Nurse License renewal application, at a time she was on criminal probation for the  
9 conviction.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
13 Technicians issue a decision:

- 14 1. Revoking or suspending Vocational License Number VN 168134, issued  
15 to Joann E. Sill, AKA Joann E. Weatherford, AKA Joann E. Lanzarotto;
- 16 2. Ordering Joann E. Sill to pay the Board of Vocational Nursing and  
17 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
18 pursuant to Business and Professions Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: October 11, 2007  
21

22   
23

24 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
25 Executive Officer  
26 Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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